

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

UNITED STATES OF AMERICA

vs

RACHEL DUNCAN

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CR No. 3:12-271-JFA

NOTICE

TO: RACHEL DUNCAN

The government has filed a motion to reduce your sentence pursuant to Federal Rule of Criminal Procedure 35(b)(2). A copy of the motion is enclosed for you to review. I have asked the Clerk of Court to send you this notice to advise you of certain matters relating to this motion.

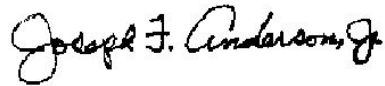
This court generally makes a decision on motions like this without a hearing. Even if a hearing were scheduled on this motion, you would **not** have a **right** to be present. *See* Fed. R. Crim. P. 43(b)(4). This is because the court is not re-imposing sentence, but instead is considering modifying your original sentence which would work to your benefit (if this court decides to grant the motion). Additionally, you do not have a Sixth Amendment or statutory right to have an attorney represent you or have counsel appointed on this motion. *See* 18 U.S.C. § 3006A (listing circumstances when defendant statutorily entitled to appointed counsel).

However, this court will take into consideration any material (such as a letter) you want to submit relating to the government's motion. If you would like to submit information for this court to consider, material should be forwarded to "Clerk, United States District Court, 901 Richland Street, Columbia, South Carolina 29201" by **October 9, 2012.**

Please clearly print your name and criminal case number (listed above) on any material you submit to this court.¹ If you do not send anything for this court to consider, the court will **not** hold it against you when it decides the government's motion. This notice simply gives you the chance to provide any additional information about this motion which you would like this court to consider.

It is fully within this court's discretion to grant the government's motion or not. If the court grants the motion, it is also within this court's discretion how much of a reduction should be given.

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Joseph F. Anderson, Jr." in a cursive script.

September 24, 2012
Columbia, South Carolina

Joseph F. Anderson, Jr.
United States District Judge

¹If you want any copies of the material you send to be returned to you, you must include the "original" (which the Clerk will keep) and a copy (which the Clerk will return to you). You must also include a self-addressed, stamped envelope.